City of Cleveland
Michael R. White Mayor

Department of Law
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BY FACSIMILE AND U.S. MAIL

Sheila Abraham, Ph.D
Environmental Specialist
Ohio EPA--Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

Re: City of Cleveland's Comments to Proposed Remediation at Master Metals Site and Holmden Avenue

Dear Ms. Abraham:

The City of Cleveland has several concerns and questions pertaining to the preferred remediation alternative ("Alternative 2") proposed by the PRP Group at the Master Metals Site in the Engineering Evaluation and Cost Analysis. The City's concerns center upon maximizing the potential for future development at the site, and eliminating any potential public health risk from lead contamination left on or off the site. I have solicited input from the Department of Public Health, the Department of Economic Development, and the Department of Community Development in preparing these comments. We urge the U.S. EPA and the Ohio EPA to take these comments and questions into consideration before issuing the final comments to the PRP's Engineering Evaluation and Cost Analysis ("EE/CA"). In addition to the comments concerning the Master Metals site ("MMI") , the City also has some concerns regarding the Holmden Avenue Site clean-up, which are set forth below. (The comments and questions below are not presented in any particular order of importance.)

Comment 1. Alternative 2 does not provide the most long term or permanent solution to the problems at the site. A more permanent alternative which is technically feasible and would promote redevelopment of the site would be to require the

PRPs to excavate and remove on-site contaminated soil and slag material to a depth sufficient to install subterranean utility connections to future buildings which may be erected on the site. The excavated material should then be replaced with clean soil. A liner or other type of barrier should be placed at the bottom of the clean fill to demarcate the point where contaminated slag or soil begins.

According to the Director of the City's Department of Public Utilities, water lines must be installed at depths below the frost line, at least five feet below ground surface (bgs); sewer connections must be installed below water lines, and are often installed at depths of 10 - 15 feet bgs. Gas and electric lines can be installed at depths of two - three feet bgs.

Alternative 2 of the EE/CA proposes to excavate only to two feet or 2,800 mg/kg (whichever comes first, we assume). At a minimum, this would preclude the installation of new sewer and water lines underground unless extensive and expensive precautions are taken to protect the health and safety of construction workers, and could, in a worst case, preclude installing any utility infrastructures. In addition, the City is concerned that sewer pipes placed in lead contaminated slag or soil would be vulnerable to infiltration by surrounding lead contamination in the event the pipes were breached, since sewer pipes operate by gravity, not by force pumping. Sewer piping would have to be encased in concrete in order to afford insulation from lead contamination, which would be quite costly.

In sum, the additional costs and health risks involved in installing utility infrastructure in contaminated soil would deter potential development of the site.

Comment 2. Alternative 2 of the EE/CA requires an operation and maintenance agreement ("O & M") for a proposed 30 year period of time. This would render marketing of this site difficult during the 30 year period since prospective buyers would be required to assume legal responsibility for the O & M agreement for that 30 year period of time. After expiration of the 30 year period, it is not clear what environmental liabilities the prospective purchaser would be subject to. The option of negotiating a Prospective Purchaser Agreement with the USEPA giving the prospective purchaser a Covenant Not to Sue could be daunting if the USEPA requires a costly substantial benefit as consideration for a Covenant. At a minimum, the City would like the USEPA to require the PRPs to put funds into escrow sufficient to cover the costs of maintaining the O & M agreement for at least 30 years, and

sufficient to cover the costs of negotiating a Prospective Purchaser Agreement.

The best alternative, and the City's preference, would be to require a closure that did not involve limitations on excavation and did not require an O & M agreement. An acceptable alternative to removing all contaminated slag and soil might be to require treatment which would reduce the toxicity or volume of contaminated solids on site. Alternative 4, which proposes some treatment of contaminated material, should be considered.

Comment 3. The boundaries of off-site areas to be remediated should be expanded to one quarter of a mile. Page 12 of the EE/CA states that a study determined that MMI was the source of airborne lead contamination over a distance of .25 miles. Off-site sampling conducted by the US EPA in 1993 indicated readings of lead as high as 1,850 to a maximum distance of .4 miles from the site.

In addition, off-site contaminated soil should be disposed of in lieu of placing it on the Master Metals site, since it will have to be managed as contaminated soil under the O & M agreement if placed on site. Furthermore, disposal off-site would decrease the toxicity, mobility, and volume of contaminated material on site, thus encouraging potential redevelopment of the property.

Question 1. On the issue of off-site contamination, the City would like to know whether any soil or air testing for lead contamination has been conducted on the former West 3rd asphalt plant which is still owned by the City of Cleveland. If so, the City would request copies of all test results and analytical data. If this site has been contaminated by MMI operations, the City would like the PRP group to be required to include the West Third asphalt plant in its remediation plan.

Comment 4. An asphalt cap may be preferable to a soil and vegetative cap for the reasons that it could prevent the infiltration of surface water into the ground. Water soaking into the soil could cause downward migration of lead which could enter into sewer pipes if the pipes were cracked or otherwise breached. Sewers can act as an exposure pathway, and lead entering the sewer system could adversely affect public health and the environment.

Also, please indicate whether long term groundwater monitoring could be a required part of an O & M agreement.

Question 2. The EE/CA does not propose any remediation of the groundwater, which is encountered between 3 and 10 feet bgs, and contains some levels of lead contamination. How do these levels compare to the drinking water standard, or the VAP generic industrial standard? If contaminated groundwater can enter underground sewer pipes, what are the implications under the Great Lakes Water Quality Initiative? Moreover, does the fact that the total lead in the acquifer has decreased in the past six years suggest that contaminated water is migrating off-site? If so, could this raise environmental concerns?

Question 3. Please explain what the clean-up criterion will be for this site, and how it was derived?

Question 4. What type of deed restriction is being contemplated for this property under Alternative 2? Would it prohibit any type of excavation below two feet, or would it only restrict excavation? If the later, what type of restrictions would be imposed and how costly would these be? Would subsurface structures such as basements or foundations be permitted under certain conditions? If so, why types of conditions?

The City would like the opportunity to have direct input into the specific language chosen for the deed restriction, since it could have a significant impact on future development.

II. HOLMDEN AVENUE SITE

The Final Report for Removal Activities at the Holmden Avenue Site dated February 6, 1998, indicates that testing was done in conjunction with remediation by utilizing an x-ray fluorescence analyzer ("XRF"), and that surficial soils were removed to a depth at which the XRF indicated that total lead levels were less than 400 mg/kg. It is not clear from the report the depths at which the soils were tested and to what depth the soils were removed.

Since future residential development of the site could involve the installation of subsurface utility infrastructure and structures such as basements, etc., it is important to know if the soil is free from lead contamination at the depths where utilities and basements would be installed. Accordingly, we would recommend that vertical soil samples down to a depth of ten (10) feet be tested for lead content, if such testing has not already been done.

Thank you for the opportunity to comment on the EE/CA. If you would like to discuss these with me my direct number is 664-2677.

Very truly yours,

Joyce M. Dodrill
Assistant Director of Law

cc: Robert Staib, Director of Public Health
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